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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,231	02/16/2001	Sebastien Rosel	5974-74	4110
27383	7590	10/18/2006		
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			EXAMINER STEVENS, THOMAS H	
			ART UNIT 2123	PAPER NUMBER

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/788,231	<b>Applicant(s)</b> ROSEL ET AL.	
	<b>Examiner</b> Thomas H. Stevens	<b>Art Unit</b> 2123	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-13,16,17,20-25,28,31-36,39,41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-13,16,17,20-25,28,31-36,39,41 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1,4-13,16,17,20-25,28,31-36,39,41,43 were examined.
2. Claims 2,3,14,15,18,19,29,30,37,38,40,42,44 were cancelled.

***Section I: Non-Final Rejection***

***Claim Objections***

3. Claims 4, 21-25 objected to because of the following informalities: claim 4 is linked to cancelled claim 2; claims 21 and 22 and its dependents (claims 23-25) are linked to cancelled claim 18. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1,4-13,16,17,20-25,28,31-36,39,41,43 rejected under 35 U.S.C. 101 because the claims fail to produce a useful concrete and tangible result. The added limitation of "where the surface is represented in a CAD system," while attempting to provide a concrete and tangible result, the end result still fails to provide a useful result. The Office recommends the language set forth in the reasons of allowable subject matter set forth below.

**Section II: Response to Arguments**

**Objection to the Abstract /Specification/Claims**

6. Objections are withdrawn.

**101**

7. Applicants are thanked for addressing this issue. The rejections are withdrawn based on the 101 issues noted within the previous office action; however, other issues, based applicants amendment are still outstanding (see section 1). In order to accelerate prosecution, the Office strongly suggest amending each independent claim to reflect the "design and manufacture of parts" limitation to negate the current 101 rejection.

**112 2<sup>nd</sup>**

8. Applicants are thanked for addressing this issue. Rejection is withdrawn.

**Section III: Allowable Subject Matter**

9. Claims 1,4-13,16,17,20-25,28,31-36,39,41,43 would be allowed if each independent claim were amended to denote the "design and manufactured parts" limitation in the following manner, for example (claim 1):

*A computerized method for manipulating a plurality of control points, the plurality of control points defining a surface in a design of manufacturing of parts and forming a*

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*plurality of rows along two non-parallel directions U and V, the method comprising:*  
*adjusting the position of a control point in an intermediary row in the U direction to*  
*provide a smooth transition from the row of control points corresponding to a first edge*  
*along the U direction to a row of control points corresponding to a second edge along*  
*the U direction while retaining positions of control points in said first and second edges;*  
*adjusting the position of the control point in an intermediary row in the V direction to*  
*provide a smooth transition from the row of control points corresponding to a first edge*  
*along the V direction to a row of control points corresponding to a second edge along*  
*the V direction while retaining positions of control points in said first and second edges;*  
*and computing the new position of the control point based on the corresponding*  
*adjusted positions of the control point in the intermediary row in the U direction and the*  
*control points in the intermediary row in the V direction; wherein the surface is selected*  
*from the group consisting of a Brziers surface and a Nurbs surface, and wherein the*  
*surface design of manufacturing of parts is ~~represented~~ displayed in a CAD system.*

### **Correspondence Information**

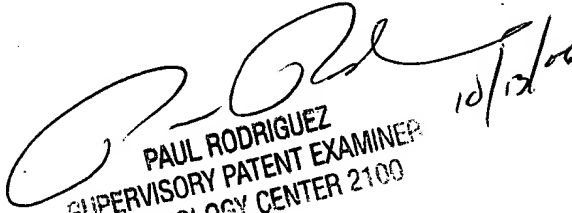
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

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If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

October 11, 2006

  
PAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100  
10/12/06

TS